

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1544 of 2005

Between:

1. Bandaru Jagannatha Rao, S/o. Venkanna,
R/o. Tamarada (V), Kirlampudi (M), E.G.District.
2. Bandaru Narayana Rao, S/o. Venkanna,
R/o. Tamarada Vill, Kirlampudi (M), E.G.District.

..... PETITIONERS

AND

1. The Addl. Agent to the Govt., E.G.District at Rampachodavaram.
2. The Special Deputy Collector (TW), Rampachodavaram, E.G.District.
3. The Mandal Revenue Officer, Gangavaram, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue appropriate writ or order or direction more particularly one in the nature of *Writ of Mandamus* declaring the order passed by the 2nd respondent in L.T.R.P.No.43/2004, 4.8.2004 for ejectment from the land to an extent of Ac.6.40 cents in Sy.No.40 situated Godavari District as illegal, arbitrary, without notice and in violation of principles of natural justice and also barred by *res-judicata* and consequently direct the respondents not to evict the petitioners from the above land.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

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Challenging the order passed by the 2nd respondent in L.T.R.P.No.43 of 2004, dated 4.8.2004, for ejectment of the petitioners herein from the land admeasuring of Ac.6.40 cents in Survey No.40 situated at Ramuldevapuram village, Gangavaram Mandal, East Godavari District, the present writ petition is filed.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

3. The learned counsel for the petitioner contended that the order under challenge is passed without notice to the petitioners, therefore, it is violation of principles of natural justice.

4. On the other hand, the learned Government Pleader for Revenue appearing for the respondents contended that against the impugned order an appeal has already been filed before the first respondent, therefore, the petitioners cannot be permitted to prosecute two parallel proceedings in respect of the same cause of action.

5. Admittedly, against the impugned order, the petitioners preferred an appeal before Additional Agent to Government, East Godavari District at Rampachodavaram and it is pending. Therefore, the writ petition is totally devoid of merits and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. However, it is made clear that the first respondent shall consider the appeal which is pending before him and pass appropriate orders in the appeal in accordance with law, within a period of two months from the date of receipt of a copy of this order. No order as to costs.

(K.C. BHANU, J)

Date: 10.02.2005

Ksn

ASSISTNANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1. The Addl. Agent to the Govt., E.G.District at Rampachodavaram.
- 2. The Special Deputy Collector (TW), Rampachodavaram, E.G.District.
- 3. The Mandal Revenue Officer, Gangavaram, E.G.District.

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